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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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15 PATRICIA FORTLAGE,

No C-08-03406 VRW

16 Plaintiff,

ORDER

17 v

18 HELLER EHRLMAN LLP, HELLER EHRLMAN
19 LONG-TERM DISABILITY PLAN, UNUM
LIFE INSURANCE COMPANY,

20 Defendants.

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23 The parties have filed what appear to be cross-motions
24 under FRCP 52. As the court understands these motions, the parties
25 agree to a bench trial on the administrative record in which the
court may make credibility determinations to make the findings
26 required under FRCP 52. See Kearney v Standard Ins Co, 175 F3d
27 1084, 1095 (9th Cir 1999).
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1 If this is correct, the parties should confirm to the
2 court in advance of the June 4, 2009 hearing. In that case, the
3 court will VACATE the June 4 hearing and take the matter under
4 submission. If this is not correct, the parties should be prepared
5 to discuss how they wish to proceed.

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7 IT IS SO ORDERED.

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10 VAUGHN R WALKER
11 United States District Chief Judge
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